



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution of Intention to Expand the Lodi Tourism Business Improvement District (LTBID), and Set Public Hearing for December 17, 2008.

MEETING DATE: November 19, 2008

PREPARED BY: City Attorney

RECOMMENDED ACTION: Consider Adoption of Resolution of Intention to expand the Lodi Tourism Business Improvement District and Set Public Hearing for December 17, 2008.

BACKGROUND INFORMATION: Visit Lodi, aka the Lodi Conference and Visitors Bureau (LCVB), requests that the Council assist with its funding by expanding the boundaries of the Lodi Tourism Business Improvement District pursuant to the Parking and Business Improvement Law of 1989, California Streets and Highways Code §36500 et seq. If expanded, the LTBID would then receive additional funding by an assessment levied as a percentage of the room charge for all hotels not only within the City of Lodi, but also Flag City. Council already began the process of this addition by securing San Joaquin County's consent to the inclusion of territory within its jurisdiction as a condition of the County's execution of the CSA #31 "Flag City" Domestic Waste Connection MOU in 2007. The next step necessary to expand the Business Improvement District is for the Council to consider, and if amenable, approve the passage of a Resolution of Intention to expand the District. (Streets and Highways § 36522) The Resolution must set the revised boundaries of the district; fix the time for a public hearing; and state that the hearing will allow for testimony of all interested persons for or against the expanded district.

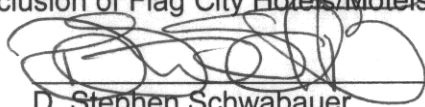
The Resolution and Notice of the Hearing on the expansion of the district must then be published in the paper and mailed to each prospective member of the district. A second hearing to actually expand the district would occur later, if the Resolution of Intention is passed. A majority protest at the hearing would prevent the expansion of the District. The vote is weighted according to the percentage of the overall assessment that the protesting business would pay. The Public Hearing must be held on December 17, 2008 to meet the 20- to 30-day window after the Resolution of Intention as required by the Streets and Highways Code.

A timeline for the remaining actions to expand the district is attached as Exhibit A for Council's consideration.

FUNDING: Not applicable

FISCAL IMPACT: Increased LTBID revenue from the inclusion of Flag City Hotels/Motels in the LTBID

Attachment
cc: Nancy Beckman, Visit Lodi


D. Stephen Schwabauer
City Attorney

APPROVED: 
Blair King, City Manager

EXPANSION OF BID

I. Hearing Timeline:

- 1) November 19 Consider adoption of Notice of Intention to expand district**
- 2) December 17 Hold Public Hearing on Expansion of District (must be 20 – 30 days after adoption of Notice of Intention - S&H §36541)**

II. Notice:

- 1) Notice of Intention (regular meeting notice)**
- 2) Public Hearing:**
 - a) Publish Notice of Intention 7 days before Public Hearing (S&H §36523)**
 - b) 1st Class mail to each business subject to assessment within 7 days of Notice of Intention adoption (S&H Code §36523).**

III. Hearing Procedure:

S&H Code §36524 (copy attached).



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution of Intention to Expand the Lodi Tourism Business Improvement District (LTBID), and Set Public Meeting for December 17, 2008, and Public Hearing for January 21, 2009.

MEETING DATE: November 19, 2008

PREPARED BY: City Attorney

RECOMMENDED ACTION: Consider Adoption of Resolution of Intention to expand the Lodi Tourism Business Improvement District and Set Public Meeting for December 17, 2008, and Public Hearing for January 21, 2009.

BACKGROUND INFORMATION: Visit Lodi, aka the Lodi Conference and Visitors Bureau (LCVB), requests that the Council assist with its funding by expanding the boundaries of the Lodi Tourism Business Improvement District pursuant to the Parking and Business Improvement Law of 1989, California Streets and Highways Code §36500 et seq. If expanded, the LTBID would then receive additional funding by an assessment levied as a percentage of the room charge for all hotels within not only the City of Lodi, but also Flag City. Council already began the process of this addition by securing San Joaquin County's consent to the inclusion of territory within its jurisdiction as a condition of the County's execution of the CSA #31 "Flag City" Domestic Waste Connection MOU in 2007. The next step necessary to expand the Business Improvement District is for the Council to consider, and if amenable, approve the passage of a Resolution of Intention to expand the District. (Streets and Highways § 36522) The Resolution must set the revised boundaries of the district; fix the time for a public meeting (Government Code §54954.6) and a public hearing; and state that the hearing will allow for testimony of all interested persons for or against the expanded district.

The revisions to this staff report are the result of cleanup legislation that harmonizes a conflict between Government Code §54954.6 and Streets & Highways Code §36522. The ~~former~~ requires 45 days notice and the latter requires a hearing no less than 20 nor more than 30 days after the Resolution of Intention.

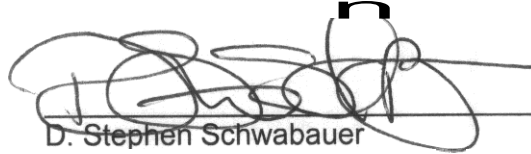
As now harmonized, the Resolution and Notice of the Hearing on the expansion of the district must then be mailed to each prospective member of the district. A second public meeting would occur December 17, 2008, if the Resolution of Intention is passed and a third meeting, a public hearing, must be held to actually expand the district, 45 days after mailing Notice of Intention (on January 21, 2009). A majority protest at the public hearing would prevent the expansion of the District. The vote is weighted according to the percentage of the overall assessment that the business would pay.

A timeline for the remaining actions to expand the district is attached as Exhibit A for Council's consideration.

APPROVED:  _____
Blair King, City Manager

FUNDING: Not applicable.

FISCAL IMPACT Increased LTBD revenue from the inclusion of Flag City Hotels/Motels in the LTBD.



D. Stephen Schwabauer
City Attorney

Attachment

Cc: Nancy Beckman, Visit Lodi

EXPANSION OF BID

I. Hearing Timeline:

- 1) November 19, 2008 Consider adoption of Notice of Intention to expand district.
- 2) December 17, 2008 Hold Public Meeting.
- 3) January 21, 2009 Hold Public Hearing to Expand District.

II. Notice:

- 1) Notice of Intention (regular meeting notice)
- 2) Public Hearing:
 - a) Publish Notice of Intention 7 days before Public Hearing (S&H §36523)
 - b) 1st Class mail to each business subject to assessment within 7 days of Notice of Intention adoption (S&H Code §36523), and 45 days before Public Hearing (Government Code §54954.6).

III. Hearing Procedure:

S&H Code §36524 (copy attached).

Notes of Decisions

Exhaustion of administrative remedies 1

1. Exhaustion of administrative remedies

Business owner exhausted her administrative remedies so as to permit her action challenging town's establishment of business improvement district (BID), and statute and ordinance

which authorized imposition of assessments on businesses for BIDs; owner registered protest pursuant to relevant statute by checking appropriate box on her ballot, and also wrote city council prior to its public hearing. *Evans v. City of San Jose* (App. 6 Dist. 1992) 4 Cal. Rptr.2d 601, 3 Cal.App.4th 728, review denied. Administrative Law And Procedure ¶ 229; Municipal Corporations ¶ 974(2)

§ 36523.5. Notice of public hearing: procedures

Notwithstanding Section 36523, prior to adopting any new or increased assessment, the city council shall give notice pursuant to Section 54954.6 of the Government Code in lieu of publishing notice pursuant to subdivision (a) of Section 36523.

(Added by Stats.1993, c. 1194 (S.B.376), § 26, eff. Oct. 11, 1993.)

Historical and Statutory Notes

Section 27 of Stats.1993, c. 1194 (S.B.376) provides:

"The provisions of this act are declarative of existing law."

Cross References

"Assessment" defined for purposes of this Part, see Streets and Highways Code § 36506.

"City council" defined for purposes of this Part, see Streets and Highways Code § 36509.

Notice, actual and constructive, defined, see Civil Code § 18.

Library References

Municipal Corporations ¶450(4).
Westlaw Topic No. 268.

C.J.S. Municipal Corporations §§ 1193 to 1199, 1208 to 1214.

§ 36524. Hearing: protests: filing; content

(a) At the public hearing, the city council shall hear and consider all protests against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities within the area. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

(b) Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

(c) Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest.

(Added by Stats.1989, c. 591, § 2.)

RESOLUTION NO. 2008-229

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS INTENTION TO EXPAND THE
LODI TOURISM BUSINESS IMPROVEMENT
DISTRICT (LTBID)

WHEREAS, Visit Lodi, formerly known as Lodi Conference and Visitors Bureau, is interested in expanding the Lodi Tourism Business Improvement District (LTBID) to include hotels within the Service Area of CSA #31 "Flag City"; and

WHEREAS, the County of San Joaquin has consented to the expansion of the LTBID into Flag City; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to expand parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to expand such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to expand the LTBID pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be expanded to include the service area of County Service Area #31 ("Flag City").

Section 3. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the area as expanded.

Section 4. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities in the area.

Section 5. The proposed LTBID will include all hotels within the City of Lodi and Flag City.

Section 6. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi and Flag City based upon 3% of the gross room rental revenue.

Section 7. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Streets and Highways Code Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBD shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax.

Section 8. The LTBD proposed annual assessment (as expanded) in year one totals approximately \$270,000. The funds raised shall be spent on a Marketing Program, Administration & Personnel, and BID Development/ Formation.

Section 9. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of transient occupancy tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBD within 30 days after collections occur.

Section 10. The time and place for the public meeting to expand the LTBD and the levy of the assessments is set for December **17, 2008** at **7:00 p.m.**, at the Carnegie Forum, **305** West Pine Street, Lodi, California.

Section 11. The time and place for the public hearing to expand the LTBD and the levy of the assessments is set for January 21, 2009 at **7:00 p.m.**, at the Carnegie Forum, **305** West Pine Street, Lodi, California.

Section 12. At the public hearing the testimony of all interested persons for or against the expansion of the area will be heard.

Section 13. A protest against the expansion of the LTBD, or any aspect of it, may be made in writing. To count in the majority protest against the LTBD expansion, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi or the County of San Joaquin as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at **P.O.** Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 14. If, at the conclusion of the public hearing, there are of record, written protests against the expansion by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID, no further proceedings to expand the LTBID shall occur. New proceedings to expand the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 15. Further information regarding the proposed LTBID may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 16. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

Section 17. This Resolution is effective on its adoption.

Dated: November 19, 2008

=====

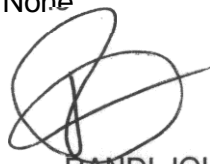
I hereby certify that Resolution No. 2008-229 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 19, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

2008-229



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT PUBLIC HEARING TO EXPAND THE LODI TOURISM BUSINESS
IMPROVEMENT DISTRICT (LTBID)

PUBLISH DATE: WEDNESDAY, NOVEMBER 26, 2008

LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: MONDAY, NOVEMBER 24, 2008

ORDERED BY: RANDI JOHL
CITY CLERK

JENNIFER M. PERRIN, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
LNS _____ Phoned to confirm receipt of all pages at _____(time) _____CF _____MB _____JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

On Wednesday, November 26, 2008, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to expand the Lodi Tourism Business Improvement District (LTBID) (attached hereto, marked Exhibit "A") was posted at the following four locations:

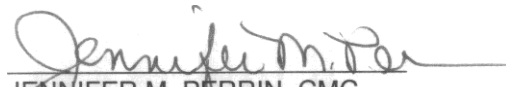
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 26, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2008-229

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS INTENTION TO EXPAND THE
LODI TOURISM BUSINESS IMPROVEMENT
DISTRICT (LTBID)

=====

WHEREAS, Visit Lodi, formerly known as Lodi Conference and Visitors Bureau, is interested in expanding the Lodi Tourism Business Improvement District (LTBID) to include hotels within the Service Area of CSA #31 "Flag City"; and

WHEREAS, the County of San Joaquin has consented to the expansion of the LTBID into Flag City; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to expand parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to expand such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to expand the LTBID pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be expanded to include the service area of County Service Area #31 ("Flag City").

Section 3. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the area as expanded.

Section 4. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities in the area.

Section 5. The proposed LTBID will include all hotels within the City of Lodi and Flag City.

Section 6. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi and Flag City based upon 3% of the gross room rental revenue.

Section 7. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Streets and Highways Code Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBD shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax.

Section 8. The LTBD proposed annual assessment (as expanded) in year one totals approximately \$270,000. The funds raised shall be spent on a Marketing Program, Administration & Personnel, and BID Development / Formation.

Section 9. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the Same form as that used for the collection of transient occupancy tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBD within 30 days after collections occur.

Section 10. The time and place for the public meeting to expand the LTBD and the levy of the assessments is set for **December 17, 2008 at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. The time and place for the public hearing to expand the LTBD and the levy of the assessments is set for January 21, 2009 **at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 12. At the public hearing the testimony of all interested persons for or against the expansion of the area will be heard.

Section 13. A protest against the expansion of the LTBD, or any aspect of it, may be made in writing. To count in the majority protest against the LTBD expansion, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi or the County of San Joaquin as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 14. If, at the conclusion of the public hearing, there are of record, written protests against the expansion by the owners of the businesses within the LTBD that will pay fifty percent (50%) or more of the total assessments of the entire LTBD, no further proceedings to expand the LTBD shall occur. New proceedings to expand the LTBD shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBD.

Section 15. Further information regarding the proposed LTBD may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 16. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBD within seven (7) days of the adoption of this Resolution by the City Council.

Section 17. This Resolution is effective on its adoption.

Dated: November 19, 2008

=====

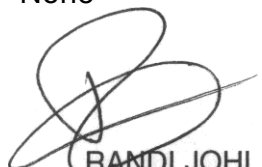
I hereby certify that Resolution No. 2008-229 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 19, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

2008-229



DECLARATION OF MAILING

PUBLIC HEARING TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

On November 25, 2008, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing letter and Public Hearing Notice to expand the Lodi Tourism Business Improvement District (LTBID), attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 25, 2008, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


JENNIFER M. PERRIN, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

CITY COUNCIL

JOANNE MOUNCE, Mayor
LARRY D. HANSEN,
Mayor Pro Tempore
SUSAN HITCHCOCK
BOB JOHNSON
PHILKATZAKIAN

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807
www.lodi.gov cityclerk@lodi.gov

BLAIR KING, City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

November 25, 2008

EXHIBIT A

NOTICE OF PUBLIC HEARING
(See attached)

**RE: RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS
INTENTION TO EXPAND THE LODI TOURISM BUSINESS
IMPROVEMENT DISTRICT**

Enclosed please find Resolution No. 2008-229 of the Lodi City Council declaring its intention to expand the Lodi Tourism Business Improvement District. The City Council has established the following dates to hear this matter:

- **Public Meeting** – December 17, 2008, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Carnegie Forum, 305 West Pine Street, Lodi, California; and
- **Public Hearing** – January 21, 2009, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Carnegie Forum, 305 West Pine Street, Lodi, California.

Should you have any questions, please do not hesitate to contact the Lodi City Clerk's Office at (209) 333-6702.

Sincerely,



Randi Johl
City Clerk

RJ/JMP

Enclosure

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2008-229

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

WHEREAS, Visit Lodi, formerly known as Lodi Conference and Visitors Bureau, is interested in expanding the Lodi Tourism Business Improvement District (LTBID) to include hotels within the Service Area of CSA #31 "Flag City"; and

WHEREAS, the County of San Joaquin has consented to the expansion of the LTBID into Flag City; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to expand parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to expand such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to expand the LTBID pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be expanded to include the service area of County Service Area #31 ("Flag City").

Section 3. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the area as expanded.

Section 4. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities in the area.

Section 5. The proposed LTBID will include all hotels within the City of Lodi and Flag City.

Section 6. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi and Flag City based upon 3% of the gross room rental revenue.

Section 7. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Streets and Highways Code Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBD shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax.

Section 8. The LTBD proposed annual assessment (as expanded) in year one totals approximately \$270,000. The funds raised shall be spent on a Marketing Program, Administration & Personnel, and BID Development/ Formation.

Section 9. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of transient occupancy tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBD within 30 days after collections occur.

Section 10. The time and place for the public meeting to expand the LTBD and the levy of the assessments is set for **December 17, 2008 at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. The time and place for the public hearing to expand the LTBD and the levy of the assessments is set for January 21, 2009 **at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 12. At the public hearing the testimony of all interested persons for or against the expansion of the area will be heard.

Section 13. A protest against the expansion of the LTBD, or any aspect of it, may be made in writing. To count in the majority protest against the LTBD expansion, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi or the County of San Joaquin as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 14. If, at the conclusion of the public hearing, there are of record, written protests against the expansion by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID, no further proceedings to expand the LTBID shall occur. New proceedings to expand the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 15. Further information regarding the proposed LTBID may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 16. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

Section 17. This Resolution is effective on its adoption.

Dated: November 19, 2008

=====


I hereby certify that Resolution No. 2008-229 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 19, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


BANDI JOHL
City Clerk

2008-229

EXHIBIT B

RESOLUTION OF INTENTION TO EXPAND THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

Mailing List

Wine and Roses Country Inn, LLC
2505 W. Turner Road
Lodi, CA 95242

Ashvin Patel
Del Rancho Motel
501 N. Cherokee Lane
Lodi, CA 95240

Holiday Inn Express
P.O. Box 1420
Lodi, CA 95241

Holiday Inn Express
GFLIP III Limited
P.O. Box 1210
Lodi, CA 95241

Patel, Kanu & Jayesh K.
Star Hotel
P.O. Box 263
Lodi, CA 95241

Suresh B. Patel
Budget Inn of Lodi
917 S. Cherokee Lane
Lodi, CA 95240

Margaret Kim
Comfort Inn – Lodi
118 N. Cherokee Lane
Lodi, CA 95240

Quality Inn
Patel Kishor
118 N. Cherokee Lane
Lodi, CA 95240

Ron Pitamber
Lodi El Rancho Motel
221 Harding Blvd.
Roseville, CA 95678

Ron Pitamber
Lodi El Rancho Motel
5151 Weston Way
Granite Bay, CA 95746-6990

Sunil & Shobhana Yadav
Modern Motor Lodge
1050 S. Cherokee Lane
Lodi, CA 95240

Surendra F. Patel
Wine Country Inn
607 S. Cherokee Lane
Lodi, CA 95240

Hasmukh M. Bhakta
Rancho Grande Motel
807 S. Cherokee Lane
Lodi, CA 95240

Ghanshyam A. Patel
Traveler's Hotel
112 N. School Street
Lodi, CA 95240

Ghanshyam A. Patel
Traveler's Hotel
112 N. School Street #8
Lodi, CA 95240

Rakesh & Smita Patel
Viking Motel
815 S. Cherokee Lane
Lodi, CA 95240

Chetan Patel
Royal Host Inn
710 S. Cherokee Lane
Lodi, CA 95240

Maurice O. Ray
Imperial Hotel
9 W. Oak Street
Lodi, CA 95240

Maurice O. Ray
Imperial Hotel
7 W. Oak Street
Lodi, CA 95240

EXHIBIT B

Jayanti Bhakta
Economy Inn
1100 S. Cherokee Lane
Lodi, CA 95240

Gurvant M. Bhakta
Main Hotel
4 S. Main Street
Lodi, CA 95240

Oasis International Trading
Oasis Motel
736 S. Cherokee Lane B
Lodi, CA 95240

Hampton Inn & Suites
Geweke VII, LP
P.O. Box 1420
Lodi, CA 95241

Hampton Inn & Suites
Geweke VII, LP
P.O. Box 1210
Lodi, CA 95241

Microtel Inn
6428 W. Banner Street
Lodi, CA 95242

R X 5 HOSP/DBA Best Western
6411 W. Banner Street
Lodi, CA 95242